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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,666	09/22/2000	Kenji Muraki	MAT-8032US	1419

7590 07/26/2004

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 07/26/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/667,666

Applicant(s)

MURAKI ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-29 is/are allowed.
- 6) ☒ Claim(s) 1-25,30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**\DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 26-29 are allowable over the prior art of record.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5,9,10,14-19,22,23,31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Onozawa (6356754).

As per claims 1,9,14,15,16,31-33 Onozawa (6356754) teaches an audio transmitting apparatus (col. 4 lines 9-17) comprising at least data transmitting means for sending out digital audio data an identification information showing the type of the digital audio data (as transmitting audio data (Fig. 5; and identification information in the header -- fig. 4), wherein said data transmitting means makes the digital audio data be substantially zero data (as silence data used to reduce the noise -- col. 7 lines 60-67), adds silent

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identification information C showing transition period and nearly zero data (as inserting silent data; fig. 5, subblock 7; of zeros -- col. 8 lines 12-15), for a specified time of transition of said id information from id information A of one coding type or id information B to other id information of another coding type (col. 7 lines 9-50).

As per claims 2,10, Onozawa (6356754) teaches different rates of PCM (col. 4 lines 9-35)

As per claims 3,14,15,16,18,19 Onozawa (6356754) teaches transition to be over 2N frames over 32kbits/s translates to a range of 3msec to hundreds of msec (fig. 7).

As per claim 4, Onozawa (6356754) teaches fading control (fig. 11)

As per claim 5, Onozawa (6356754) teaches gradual muting (as silence insertion so that it is a mix of noise and speech, col. 7 lines 40-65)

As per claim 17, Onozawa (6356754) teaches encoding and non-encoding (as non-linear processing if there is no 'silence substitution', or regular processing if silence substitution – col. 7 line 45 – col. 8 line 19)

As per claim 22, Onozawa (6356754) teaches silent identification information is stored in a specified data region (col. 8 lines 10-18).

As per claim 23, Onozawa (6356754) teaches a specified data region for the silent identification information - as output pick format conversion block (col. 8 lines 25-32))

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onozawa (6356754) in view of Yung (6578162).

As per claims 24,25, Onozawa (6356754) does not teach random assignment of data, however, Yung (6578162) teaches a pseudo random number data stored in a specified data region/bit row (synchronous coding adjustment block adjusts the amount of bits based on the amount of information, and therefore pseudorandom, but the general format is the same (col. 4 lines 8-12, col. 3 line 5 – col. 4 line 6). Therefore, it would have been obvious to one of ordinary skill in the art of data management to modify the storage structure of Onozawa (6356754) with pseudorandom storage because it would advantageously improve the storing efficiency of the data (Yung (6578162), col. 3 line 20 – col. 4 line 2).

6. Claims 6-8,11-13,20,21,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onozawa (6356754) in view of Ogasawara (6512919).

As per claims 6-8,11-13,20,21 and 30, Onozawa (6356754) does not explicitly teach transmitting data over the IEEE1394 interface, however, Ogasawara (6512919) teaches using a serial interface in a radiotelephone such as IEEE1394 (col. 7 lines 60-64).

Therefore, it would have been obvious to one of ordinary skill in the art of radiotelephone technology to modify the teachings of Onozawa (6356754) with a serial interface because it would advantageously allow for other types of information communication – such as bar code scanning, billing, etc. ( Ogasawara (6512919), col. 7 line 47 – col. 8 line 17).

#### ***Response to Arguments***

7. Applicant's arguments filed 5/21/2004 have been fully considered but they are not persuasive. As per applicant's arguments that the claim language of the instant invention, pertaining to silent identification information is added to zeroed data, is not disclosed nor suggested by Onozawa, examiner disagrees and points to Onozawa specifically using silent data to reduce the effects of noise data (end of referred to column 7 of Onozawa, and column 8). Specifically, the function that Onozawa uses of replacing noisy data with silent is functionally equivalent to adding 'substantially zeroed data' to silent data, as claimed by applicant.

***Conclusion***

**8. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
7/20/04



**VIJAY CHAWAN  
PRIMARY EXAMINER**